REMARKS

Claim 1-36 are pending. The Office Action, dated December 10, 2009, has been carefully considered. The above amendments and the following remarks are presented in a sincere attempt to place this Application in condition for allowance. Claims 1 and 20 have been amended in this Response. Reconsideration and allowance are respectfully requested in light of the above amendments and the following remarks.

I. Interview Summary

Applicant wishes to thank the Examiner for the courtesy of the interview conducted on June 7, 2010. During the interview, the Alban and Harwood references were discussed. Regarding Claims 1-15 and 23-36, Applicant stated that Alban taught detecting the addition of new notes, not detecting modification to existing notes. The Examiner suggested amending Claim 1 based on the embodiment disclosed in the specification to recite the systems which perform detection of modification. Regarding Claims 16-22, Applicant stated that Harwood taught only electronic transmission of information, and did not teach a physical package. The Examiner agreed to review Harwood to determine whether Harwood taught a physical package.

II. Amendments to Claims 1 and 20

Claim 1 has been amended to recite "a record client" to provide antecedent basis for subsequent recitations of "the record client".

Claim 20 has been amended to recite "identification of at least one physical package received by the remote site". Support for this amendment may be found at least at paragraphs [0093]-[0094] of the application as originally filed. The rationale underlying this amendment is to clarify the antecedent basis for the subsequently recited "received package data identification of the at least one physical package".

Applicant contends that the rationale underlying these amendments bears no more than a tangential relation to any rejection in question because the amendment does not narrow the claim. Accordingly, Applicant does not intend to surrender any equivalents encompassed by Claims 1 and 20 as a result of this amendment.

III. Rejections of Claims 1-9 and 31-32 under 35 U.S.C. § 103(a)

Claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,924,074 to Evans ("Evans") in view of U.S. Patent No. 7,251,610 to Alban et al. ("Alban"), U.S. Patent No. 7,027,872 to Thompson ("Thompson"), and U.S. Patent No. 7,039,810 to Nichols ("Nichols"). In light of the amendments submitted herewith, Applicants respectfully submit that the rejection has been overcome. Accordingly, Applicants respectfully request that the rejection be withdrawn.

In the system recited in Claim 1, a server has a medical record data file that contains sealed medical data. This file is transmitted to a record client. The server receives a received version of the medical record data file from the record client. The received version is not identical to the transmitted version, because it has additional data added to it. However, the existing sealed medical data may have been modified, possibly to correct or conceal an error. It may be important to have a record of the modification. For example, it may be important to know of the existence of the prior error, or to recognize that the record client has improperly modified the sealed medical data. Therefore, the system of Claim 1 recites detecting if the sealed medical data has been modified, and if so, and storing the original sealed medical data and generating notification data.

The Office Action cites Alban as teaching the recited "file detection system configured to detect, based on the value, if the sealed medical data has been modified from the first version in the received version". Alban teaches an electronic database which stores patient notes. Alban col. 2,

line 67 to col. 3, line 6. A patient's caregivers may create and review the patient notes. Alban col. 3, lines 36-56. The Alban user interface allows a caregiver to find notes requiring follow up actions and uses time-stamps to allow a user to find information which has been added since the user's last review. Alban col. 1, lines 60-65, col. 3, lines 16-25, col. 3, lines 51-56. The Office Action cites these features as teaching the recited detection of modification of the sealed medical data, stating it would have been obvious "to include a clinical documentation system for multiple caregivers as taught by Alban et al. within the system taught by Evans with the motivation of providing a means for a user to quickly see information that's been added to the patient's record since the user's last review (see: Alban et al.; column 1, lines 62-64)."

In Alban, the cited "modifications" are the addition of new notes, rather than the modification of existing notes. Alban teaches that existing, accepted notes "generally" cannot be modified and cannot be edited. Alban col. 5, lines 7-8 and col. 7, lines 14-15. However, Alban only teaches preventing the modification, rather than detecting the modification, storing the original, unmodified note, and generating notification data.

Alban does not contemplate the possibility a user may have some means to modify an accepted note. Alban merely states a user is prohibited from editing an accepted note and assumes this prohibition will be followed. If a user were to make a modification of an accepted note, Alban does not disclose how the modification would be detected, or what action would occur when the modification is detected. In contrast, Claim 1 recites:

> a file detection system configured to detect, based on the value, if the sealed medical data
> **has been modified** from the first version in the received version;
> a record database system configured to, **if the sealed medical data has been modified** from
> the first version in the received version, **store the sealed medical data in the first
> version separately from the modifications**;
> (Emphasis added).

The cited Alban time-stamps, used to determine information added since a user's last review, refer to the time a new note is accepted. Alban col. 4, lines 57-60 and col. 8, lines 34-40. Alban does not teach any relationship between the time-stamps and the time an accepted note is modified, because Alban assumes any modification to an accepted note will be prevented.

In the interview of June 7, the Examiner suggested that Claim 1 be amended based on the embodiment disclosed in the specification to recite the systems which perform detection of modification. Claim 1 already recites these systems, as shown in the table below. The citations to the specification below are intended for illustration, rather than to limit the scope of the claims.

Claim 1	Para.	Disclosure
A system for transferring electronic medical files comprising:		
a record encapsulation system configured to encapsulate at least a portion of a first version of a medical record data file, the portion comprising sealed medical data, wherein encapsulating the portion of the medical record data file comprises generating a value based on the data structure of the medical record data file;	[0036]	Record encapsulation system 302 can encapsulate an entire medical record data file for a patient so as to maintain the integrity of the entire medical record data file. In one exemplary embodiment, record encapsulation system 302 includes encryption algorithms that generate a value based upon the exact data structure of the entire medical record data file, such that any modifications to the medical record data file can be detected.
a record server configured to: encrypt the first version of the medical record data file; transmit the first version of the medical record data file to a record client; and receive a received	[0025]	Tracking system 110 on record server 102 can coordinate with tracking system 110 on record client 104a so that files that have been transmitted to record client 104a are checked when record client 104a returns the files to record server 102. In this matter, any modifications or attempt to modify sealed medical record data will be detected. Likewise, record server 102 and record client 104a can be configured to prevent access to medical records except through record server 102 and record

version of the medical record data file from the record client, the received version having additional data added to the medical record data file;		client 104a, such as by using encryption and decoding systems.
a file detection system configured to detect, based on the value, if the sealed medical data has been modified from the first version in the received version;	[0036]	In one exemplary embodiment, record encapsulation system 302 includes encryption algorithms that generate a value based upon the exact data structure of the entire medical record data file, such that any modifications to the medical record data file can be detected.
	[0030]	In one exemplary embodiment, file detection system 202 can determine which of a plurality of medical record data files exists, the version of such medical record data files, and other suitable information such as size and access date so as to determine whether modifications have been made to the files, whether such modifications are authorized, or other suitable information.
	[0034]	System 200 can also be used to detect when medical record data files have been improperly modified.
a record database system configured to, if the sealed medical data has been modified from the first version in the received version, store the sealed medical data in the first version separately from the modifications; and	[0032]	Record encapsulation system 302 can also buffer the medical record when it is accessed, such that if an attempt is made to modify the medical record data file prior to closing it, then a suitable flag can be generated and the previous version of the medical record can be stored separately from the modified version.
	[0041]	Record database system 310 stores local record data for medical record data files. In one exemplary embodiment, record database system 310 can coordinate with sync system 108 and tracking system 110 or other suitable systems operating on a record client 104 to determine whether to store a new file as a new version of the medical record data file, replace an existing medical record data file, flag data records as having been improperly modified, or perform other suitable database functions.

a notification system configured to, if the sealed medical data has been modified from the first version in the received version, generate notification data comprising notification of the modifications.	[0083]	Likewise, the data can be encapsulated in a manner that causes the data to be buffered and where any modifications are stored along with the prior unmodified image or data, so that notification data can be generated and the attempt to tamper with the record can be detected.
	[0036]	Record encapsulation system 302 can also buffer the medical record when it is accessed, such that if an attempt is made to modify the medical record data file prior to closing it, then a suitable flag can be generated and the previous version of the medical record can be stored separately from the modified version. Record encapsulation system 302 can thus be used to notify an operator of record tampering without alerting the party that has tampered with the record of the notification.
	[0032]	Notification system 206 generates notification data such that practitioners at a record client 104 or other suitable systems can be made aware of the presence of a file or a file excerpt.

In view of the foregoing, it is apparent that the cited references do not teach the unique combination now recited in amended Claim 1. Applicants therefore submit that amended Claim 1 is clearly and precisely distinguishable over the cited references in a patentable sense, and is therefore allowable over these references and the remaining references of record. Accordingly, Applicants respectfully request that the rejection of amended Claim 1 under 35 U.S.C. § 103(a) be withdrawn and that Claim 1 be allowed.

IV. Rejections of Claims 10-15 and 33 under 35 U.S.C. § 103(a)

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans in view of Alban, Thompson, and Nichols. In light of the amendments submitted herewith, Applicants respectfully submit that the rejection has been overcome. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claim 10 is similar to Claim 1. Applicants contend that the rejection of Claim 10 is overcome for at least some of the reasons that the rejection of Claim 1 is overcome. Alban does not contemplate modifications to existing notes. Applicants therefore respectfully submit that Claim 10 is clearly and precisely distinguishable over the cited references in any combination.

Claims 11-15 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans and Thompson in view of Nichols. However, Claims 11-15 and 33 depend from and further limit Claim 10. Hence, for at least the aforementioned reasons that Claim 10 should be deemed to be in condition for allowance, Claims 11-15 and 33 should be deemed to be in condition for allowance.

V. Rejections of Claims 16-19 and 35 under 35 U.S.C. § 103(a)

Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans in view of U.S. Patent No. 6,305,377 to Portwood et al. ("Portwood"). Insofar as the references may be applied against the Claims, these rejections are traversed. Accordingly, Applicants respectfully request that the rejection be withdrawn.

In the previous Response, Claim 16 was amended to recite the record server is configured to generate medical supply package data comprising "identification of at least one physical package containing medical supplies" and correlate the package data with verification data comprising "identification of at least one physical package received by the record client." The Office Action cites Portwood as teaching these limitations, stating:

> Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to include the prescription distribution system as taught by Portwood et al. with the electronic medical record system as taught by Evans with the motivation of streamlining and incorporating automatic mail ordering, billing, and other business aspects, such as prescription verification and delivery (see: Portwood et al. column 2, lines 9-13).

The prescription distribution system of Portwood only distributes information, the identification of prescribed medication, and not the actual medication. The prescription distribution system does not work with any physical package of medical supplies. Input to the Portwood prescription distribution system D is information provided via a communication path to modem 17. Portwood Fig. 1 and col. 6, lines 13-17. Modem 17 provides the information to a CPU 18 "for receiving the information and transcribing this information in a format that enables one to prepare the medication prescribed by the physician." Portwood Fig. 1 and col. 6, lines 13-17.

The "information" is prescription information including "drug name, units and strength, prescription signature, refills, dosing mode, and a date and time that the first dose is to be administered." Portwood col. 7, lines 17-35 and col. 7, lines 42-45. Accordingly, when Portwood refers to "prescription" distribution, Portwood is referring to distribution of *information* about medication, not the medication itself. The medication is prepared based on the information provided. Portwood col. 6, lines 13-17.

Portwood does not teach distribution of a physical package to the prescription distribution system. Instead, Portwood teaches distribution of information describing how to prepare prescribed medication. Portwood does not teach the recited identification of a physical package containing physical medical supplies. A physical package could not be transmitted to modem 17, which receives the input to the cited prescription distribution system D.

In view of the foregoing, it is apparent that the cited references do not teach the unique combination now recited in amended Claim 16. Applicants therefore submit that amended Claim 16 is clearly and precisely distinguishable over the cited references in a patentable sense, and is therefore allowable over these references and the remaining references of record. Accordingly,

Applicants respectfully request that the rejection of amended Claim 16 under 35 U.S.C. § 103(a) be withdrawn and that Claim 16 be allowed.

Claims 17, 19, and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans in view of Portwood. However, Claims 17, 19, and 35 depend from and further limit Claim 16. Hence, for at least the aforementioned reasons that Claim 16 should be deemed to be in condition for allowance, Claims 17, 19, and 35 should be deemed to be in condition for allowance.

Claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans and Portwood in further view of Nichols. However, Claim 18 depends from and further limit Claim 16. Hence, for at least the aforementioned reasons that Claim 16 should be deemed to be in condition for allowance, Claim 18 should be deemed to be in condition for allowance.

VI. Rejections of Claims 20-22 under 35 U.S.C. § 103(a)

Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Portwood in view of Evans. In light of the amendments submitted herewith, Applicants respectfully submit that the rejection has been overcome. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claim 20 is similar to Claim 16. Applicants contend that the rejection of amended Claim 20 is overcome for at least some of the reasons that the rejection of Claim 16 as amended is overcome. Similar to the rejection of Claim 16, the Office Action cites Portwood as disclosing the recited "identification of at least one physical package containing physical medical supplies" and the recited "identification of a physical package received by the remote site".

Portwood does not teach distribution of a physical package to the prescription distribution system. Instead, Portwood teaches distribution of information describing how to prepare prescribed medication. Portwood does not teach the recited identification of a physical package containing

physical medical supplies. A physical package could not be transmitted to modem 17, which receives the input to the cited prescription distribution system D. Applicants therefore respectfully submit that amended Claim 20 is clearly and precisely distinguishable over the cited references in any combination.

Claims 21-22 and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Portwood in view of Evans. However, Claims 21-22 and 36 depend from and further limit Claim 20. Hence, for at least the aforementioned reasons that Claim 20 should be deemed to be in condition for allowance, Claims 21-22 and 36 should be deemed to be in condition for allowance.

VII. Rejections of Claim 23 under 35 U.S.C. § 103(a)

Claim 23 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans in view of Alban, Thompson, and Nichols. In light of the amendments submitted herewith, Applicants respectfully submit that the rejection has been overcome. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claim 23 is similar to Claim 1. Applicants contend that the rejection of Claim 23 is overcome for at least some of the reasons that the rejection of Claim 1is overcome. Alban does not contemplate modifications to existing notes. Applicants therefore respectfully submit that Claim 23 is clearly and precisely distinguishable over the cited references in any combination.

VIII. Rejections of Claims 24-26 under 35 U.S.C. § 103(a)

Claim 24 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans in view of Alban, Thompson, and Nichols. In light of the amendments submitted herewith, Applicants respectfully submit that the rejection has been overcome. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claim 24 is similar to Claim 1. Applicants contend that the rejection of Claim 24 is overcome for at least some of the reasons that the rejection of Claim 1 is overcome. Alban does not contemplate modifications to existing notes. Applicants therefore respectfully submit that Claim 24 is clearly and precisely distinguishable over the cited references in any combination.

Claims 25-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans. However, Claims 25-26 depend from and further limit Claim 24. Hence, for at least the aforementioned reasons that Claim 24 should be deemed to be in condition for allowance, Claims 25-26 should be deemed to be in condition for allowance.

IX. Rejections of Claims 27-28 under 35 U.S.C. § 103(a)

Claim 27 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans in view of Alban, Thompson, and Nichols. In light of the amendments submitted herewith, Applicants respectfully submit that the rejection has been overcome. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claim 27 is similar to Claim 1. Applicants contend that the rejection of Claim 27 is overcome for at least some of the reasons that the rejection of Claim 1 is overcome. Alban does not contemplate modifications to existing notes. Applicants therefore respectfully submit that Claim 27 is clearly and precisely distinguishable over the cited references in any combination.

Claim 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans. However, Claim 28 depends from and further limits Claim 27. Hence, for at least the aforementioned reasons that Claim 27 should be deemed to be in condition for allowance, Claim 28 should be deemed to be in condition for allowance.

X. Rejections of Claims 29-30 under 35 U.S.C. § 103(a)

Claim 29 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans in view of Alban, Thompson, and Nichols. In light of the amendments submitted herewith, Applicants respectfully submit that the rejection has been overcome. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claim 29 is similar to Claim 1. Applicants contend that the rejection of Claim 29 is overcome for at least some of the reasons that the rejection of Claim 1is overcome. Alban does not contemplate modifications to existing notes. Applicants therefore respectfully submit that Claim 29 is clearly and precisely distinguishable over the cited references in any combination.

Claim 30 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans. However, Claim 30 depends from and further limits Claim 29. Hence, for at least the aforementioned reasons that Claim 29 should be deemed to be in condition for allowance, Claim 30 should be deemed to be in condition for allowance.

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Applicants hereby request an extension of time for making this reply and hereby authorize the Director to charge the required fee to Deposit Account No. 50-0605 of CARR LLP. Applicants do not believe that any other fees are due; however, in the event that any other fees are due, the Director is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account No. 50-0605 of CARR.

Should the Examiner deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

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